

2009 JUN -9 PM 4:05

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON

83516-1

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

In re Dependency of K.N.J.)	
and K.M.L.)	
STATE OF WASHINGTON,)	
Respondent,)	NO. 61849-1-I
)	
vs.)	STATEMENT OF
)	ADDITIONAL
MICHAEL JENKINS,)	AUTHORITY
)	
Appellant.)	

Pursuant to RAP 10.8, appellant cites to the following additional authority:

1. Bosteder v. City of Renton 155 Wn.2d 18,34, 117 P.3d 316 (2005) (superseded by statute on other grounds) (holding that a warrant issued by a judge who did not have authority to do so was void).
2. United States v. Scott, 260 F.3d 512, 515 (6th Cir.2001). (holding that when a warrant is signed by someone who lacks the legal authority necessary to issue search warrants, the warrant is void ab initio)
3. Fooks' Executors v. Ghingher, 172 Md. 612, 619, 192 A. 782 (1937) (citing 1 *Freeman On Judgments*, § 322):

"A judgment void upon its face and requiring only an inspection of the record to demonstrate its invalidity is a mere nullity, in legal effect no judgment at all, conferring no right and affording no justification. Nothing can be acquired or lost by it; it neither bestows nor extinguishes any right, and may be successfully assailed whenever it is offered as the foundation


for the assertion of any claim or title. It neither binds nor bars any one. All acts performed under it and all claims flowing out of it are void. The parties attempting to enforce it may be responsible as trespassers. The purchaser at a sale by virtue of its authority finds himself without title and without redress. No action upon the part of the plaintiff, no inaction upon the part of the defendant, no resulting equity in the hands of third persons, no power residing in any legislative or other department of the government can invest it with any of the elements of power or of vitality. * * * Such a judgment has been characterized as a dead limb upon the judicial tree, which may be chopped off at any time, capable of bearing no fruit to plaintiff but constituting a constant menace to defendant.

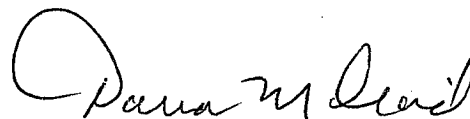
4. Davidson v. Ream, 97 Misc. 89, 161 N.Y.S. 73 (1916)(citing Pomeroy's Equity Jurisprudence § 129 –

“In its most general sense, the term ‘jurisdiction,’ when applied to a court, is the power residing in such court to determine judicially a given action, controversy, or question presented to it for decision. If this power does not exist with reference to any particular case, its determination by the court is an absolute nullity...”

DATED this 9th day of June, 2009.

Respectfully submitted,
NIELSEN, BROMAN & KOCH


JENNIFER L. DOBSON, WSBA 30487
Office ID No. 91051


DANA M. LIND, WSBA 28239
Office ID No. 91051

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I**

In Re the Dependency of K.N.J. and K.M.J.)
STATE OF WASHINGTON/DSHS,)
Respondent,)
v.)
MICHAEL JENKINS,)
Appellant.)

COA NO. 61849-1-I

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SEATTLE WASHINGTON

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 9TH DAY OF JUNE 2009, I CAUSED A TRUE AND CORRECT COPY OF THE **STATEMENT OF ADDITIONAL AUTHORITY** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] SARAH REYES
OFFICE OF THE ATTORNEY GENERAL
103 E. HOLY ST.
SUITE 310
BELLINGHAM, WA 98225

SIGNED IN SEATTLE WASHINGTON, THIS 9TH DAY OF JUNE 2009.

x Patrick Mayovsky